IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.6570 of 2007

Dated: April 9, 2007

Between:

M/s. Global Printers and Publishers, rep. by its Proprietor Atchuta Purnachandra Rao, S/o. Narsaiah, aged about 42 years, R/o.H.No.1-7-135, Flat No.404, Vijetha Paradise, Chaitanyapuri, Dilsukhnagar, Hyderabad.

… Petitioner

And

The Government of A.P., rep. by its Principal Secretary, Education Department, Secretariat, Hyderabad, And others.

… Respondents

Order:

Petitioner, a firm that is engaged in the business of printing and publishing, has filed this Writ Petition seeking Mandamus to declare the action of the respondents in not finalizing the tenders in pursuance

of the tender notification dated 02-02-2007 as arbitrary and illegal.

2. The Joint Collector, Kadapa, who is the chairman of the purchasing committee under the Sarva Siksha Abhiyan scheme has issued the aforesaid tender notification inviting bids for printing brochures, posters etc. It is stated that the petitioner has submitted it bid and is the second lowest bidder. It is the case of the petitioner that since the first lowest bidder withdrew his bid, now, it has become the first lowest bidder and hence it is entitled to be awarded the works notified; in spite of the same, respondents are not finalizing the tenders.

3. Heard learned counsel for the petitioner and learned Government Pleader appearing on behalf of the respondents.

4. Learned Government Pleader, on instructions, submits that the tender notification referred above has been cancelled and respondents have decided to issue a fresh notification.

5. It is well settled that the notifying authority can always cancel the notification issued by it calling for bids, if it thinks fit. Merely because the first lowest bidder withdrew his bid as a result of which petitioner, who was earlier the second lowest bidder, has become the first lowest bidder, it is not binding on the respondents to award the works notified in its favour. The same is in the domain of the respondents; they can either proceed with the tender notification already issued or issue another notification afresh. As much as it is stated that the notification dated 02-02-2007 has been cancelled and fresh notification is projected, no direction as sought for can be given.

6. The Writ Petition is devoid of merits and is accordingly dismissed. No costs.

JUSTICE R. SUBHASH REDDY.

April 9, 2007
MRR